

Secondary Use Items

Examples of items banned from use at on-premises establishments



Good afternoon.

Mr. Chairman, members of the Committee, thank you for allowing me to speak today.

My name is Rick Swindlehurst. I am the MLBA President and I own three establishments in Mt. Pleasant – The Blue Gator, Cheers and Midori. I have been in business for almost 40 years and I have been a member of the MLBA for over 30 years.

Senate Bills 504 and 505 were introduced on behalf of the Michigan Beer and Wine Wholesalers Association to protect their interest in a state that happens to be the only state that has such harsh restrictions on these items. So it seems the Wholesalers are trying to hold on to the last remnant of an old system instead of moving forward with the rest of the country.

When these two Senate bills were first introduced, they set out to permanently ban secondary use items, such as pint glasses, coasters and napkins. Then, a substitution to the bill was added that will allow licensees to purchase glassware, but from a third party not affiliated with the manufacturer, wholesaler or vendor. Where would we be buying these logoed glasses from as the big three providers have been exempt? This substitution seems as misguided as the bills themselves.

Because the MLBA was not able to see or agree to the substitution before it was presented to the Senate Regulatory Reform Committee, we would like to submit our own substitution which would allow the manufacturer, wholesaler or vendor to exempt themselves from the sale if they so choose, instead of exempting them all. This would make it fair to the seller and the purchaser, and we wouldn't have to search for a phantom third party to buy our glasses, if we choose to do so.

There are also nine bills that are tie-barred, and we would like that tie-bar broken so that we can move forward, as there are items among these bills that we do not want to delay any longer. The Michigan brewers have a stake in some of these bills and we want their operations to expand and become even more prosperous. Their positive upswing will only do good things for the state and our economy.

Everyone in this room knows we've had our share of struggles in recent years, but isn't now our time to succeed again? Are we or are we not the "comeback state?" If the goal is to grow businesses and bring jobs to Michigan, why are we talking about bills that would hinder the very operations you hope to promote? Please consider these questions before making your decision.

These bills are very important our association and its members, and I'd like to thank you all for taking the time to listen to us today.

Good morning Mr. Chairman and members of the Committee.

My name is Marji Cheadle, Vice President of the Michigan Licensed Beverage Association. My husband and I own Dagwood's Grill and Tavern, a small, licensed establishment in Lansing. I'm here today because I do not agree with Senate Bills 504 and 505 or what they would do to my business.

The MLBA is the only association working strictly for Michigan liquor licensees, most of which are small, family-owned businesses – not large, multi-million dollar chains. My business is my livelihood, and Senate Bills 504 and 505 threaten that by permanently limiting my ability to market the products I sell.

These bills were introduced on behalf of the Michigan Beer and Wine Wholesalers Association, who are trying to protect their billion dollar business by essentially strangling small business owners. Michigan is the only state that has such restrictive rules on these secondary use items and the Wholesalers do not want to lose this stranglehold on our industry.

Secondary use is a matter of free speech as we, small business owners, should be able to market the products we sell. Yes, we have rules and regulations we must follow, just like any other industry, but we should also have a right to challenge them. These rules and regulations were enacted to protect business owners and the public alike.

As time moves forward, however, sometimes their relevancy comes into question. Because of this inevitable change, the Michigan Liquor Control Commission has the ability to review said rules and determine their relevance today. If these two proposed bills become law, the MLCC will no longer be able to do that. Why not let them do their jobs? The hospitality industry is constantly changing to keep up with the changing times, so these bills threaten to slow our processes to a crawl.

Because SB 504 and 505 will permanently ban the review and exemption of these items in the future, I view these bills as an infringement on my rights as a small business owner, and I cannot agree sit back and say nothing.

Thank you again Mr. Chairman and Committee members for your time today.

Hello Mr. Chairman and members of the Committee, and thank you for your time today.

My name is Mike Huckleberry and I own Huckleberry's in Greenville. I'm here today as a liquor licensee and small business owner taking a stand against Senate Bills 504 and 505. Michigan has the most restrictive ban on secondary use items, and there is already a Michigan Liquor Control Commission rule prohibiting these items.

If you haven't been to my establishment, you've certainly been to establishments in your respective districts and enjoyed their food and cocktails. While there, you would not see certain logoed items, like napkins, coasters or our staff wearing logoed shirts because of a ban on these items.

As responsible bar owners, it's not our intention to trick you or coerce you into purchasing anything. We're there to provide patrons with a pleasant environment where they can enjoy time spent with friends and family. During their visit, we advertise the products we have available, whether it's food or beverage.

Senate Bills 504 and 505 mean to permanently limit out advertising abilities, but for what reason? Under current law, a retail store can use secondary use items – like a Budweiser clock, which bar and restaurant owners are not allowed to use – and they also sell these items to the general public.

These bills were introduced on behalf of the Michigan Beer and Wine Wholesalers, an organization that liquor licensees are inevitably tied to. Why, then, were these bills introduced if only to pit us against one another when we should be working together.

These bills will supersede the authority of the MLCC by no longer allowing them to review items they have deemed have a purpose as secondary use. Illuminated signs were once considered secondary use, as were logoed tap handles. If the MLCC was not allowed to periodically review these items, you would have to ask the server to list off the beer selection instead of scanning the bar area to see what's on tap.

Thank you for your time to listen to me on this matter.

SECONDARY USE ITEMS

10 Largest Craft Brew States in America

1. California, 268 craft breweries	PERMITTED
2. Washington, 136 craft breweries	PERMITTED
3. Colorado, 130 craft breweries	PERMITTED
4. Oregon, 124 craft breweries	PERMITTED
5. Michigan, 102 craft breweries	PROHIBIT
6. Pennsylvania, 93 craft breweries	PERMITTED
7. Wisconsin, 75 craft breweries	PERMITTED
8. New York, 72 craft breweries	PERMITTED
9. Texas, 59 craft breweries	PERMITTED
10. Illinois, 54 craft breweries	PERMITTED

Merchandising Trade Practices (Sheet 1 of 2)

Consumer Advertising Specialties, Newspaper Cuts

Control Jurisdictions

Jurisdiction	Consumer advertising Specialties	Newspaper cuts
Examples	<i>Ash Trays, Bottle or Can Openers, Cork Screws, Shipping Bags, Matches, Printed Recipes, Pamphlets, Cards, Leaflets, Blotners, Post Cards, Pencils, etc.</i>	<i>Newspaper Cuts, Mats or Engraved Blocks for use in retailer's advertising.</i>
TTB Regulation	<i>Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry member may not directly or indirectly pay or credit the retailer for using materials.</i>	<i>May be given or sold by and industry member to a retailer selling its products.</i>
Alabama	Permitted - retailer pays full cost if item has more than advertising value.	Permitted
Idaho	Permitted in state and agency stores, conforming with federal regulations.	Permitted, conforming with federal regulations.
Iowa	Permitted - conforming with state trade practice regulations. Retail accounts must be treated equally in distribution of novelties and opportunities to use them.	Permitted - conforming with federal regulations.
Maine	Permitted - conforming with federal regulations.	Permitted
MD - Montgomery County	Permitted - value not to exceed \$50 for beer, \$1.50 for spirits and wine.	Permitted
Michigan	Prohibited, except alcohol recipe literature without name of retail licensee. Also permit sports schedules, pamphlets and calendars and matchbooks.	Permitted
Mississippi	An industry member may furnish these exclusively to retailers for public distribution, free of charge.	Same as TTB. Co-op advertising prohibited.
Montana	Permitted - conforming with federal regulations.	Permitted - conforming with federal regulations.
New Hampshire	May be furnished, given, rented or loaned to retail licensees for unconditional consumer distribution.	Permitted for use by the State Liquor Commission.
North Carolina	For B/V, industry members may provide consumer advertising specialties free of charge to retailer for distribution to consumer, provided items have not been customized for retailer. Industry member can distribute during unannounced, unadvertised visits to retailer premises. For spirits, it is allowed in retail ABC stores and elsewhere conforming with state trade practice regulations.	Follow TTB regulation for wine and beer. Prohibited for spirits.
Ohio	Permitted - provided cost does not exceed \$2 per item.	Not addressed.
Oregon	Permitted - paper items for off premises use may be given. Other items may be sold to retailer at manufacturers / wholesalers cost.	Wholesalers / manufacturers may not pay any costs for beer, cider or wine retailer advertising.

Merchandising Trade Practices (Sheet 2 of 2)

Consumer Advertising Specialties, Newspaper Cuts

Control Jurisdictions

Jurisdiction	Consumer advertising Specialties	Newspaper cuts
Examples	Ash Trays, Bottle or Can Openers, Cork Screws, Shipping Bags, Matches, Printed Recipes, Pamphlets, Cards, Leaflets, Blotners, Post Cards, Pencils, etc.	Newspaper Cuts, Mats or Engraved Blocks for use in retailer's advertising.
TTB Regulation	<i>Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry member may not directly or indirectly pay or credit the retailer for using materials.</i>	<i>May be given or sold by and industry member to a retailer selling its products.</i>
Pennsylvania	Permitted advertising novelties having a wholesale value not over \$15/item. See 40 Pa. Code § 13.52(a).	Manufacturers and Importing distributors who choose to include the names and addresses of all distributors to whom they sell in the locality covered by the advertising, no discrimination may be shown to one distributor over another, and the names and addresses of such distributors must be displayed or mentioned in equal prominence.
Utah	Permitted	Permitted
Vermont	Permitted - members cannot pay or credit retailers. Retailer to distribute to public.	Permitted - provided it is in compliance with FAA Act.
Virginia	Items less than \$10.00 in wholesale value bearing moderation and responsible drinking messages may be displayed by the licensee and employees and given to patrons on licensed premises. Manufacturer and brand names must be subordinate to moderation message.	Permitted - conforming with federal regulations. Cooperative advertising between wholesaler/supplier and retailer not permitted.
Washington		
West Virginia	Permitted up to a nominal value, otherwise must be purchased at fair market price.	Permitted up to a nominal value, otherwise must be purchased at fair market price.
Wyoming	Permitted	Permitted - conforming with federal regulations.

Merchandising Trade Practices (Sheet 1 of 3)

Consumer Advertising Specialties, Newspaper Cuts

License Jurisdictions

Jurisdiction	Consumer advertising specialties	Newspaper cuts
Examples	Ash Trays, Bottle or Can Openers, Cork Screws, Shipping Bags, Matches, Printed Recipes, Pamphlets, Cards, Leaflets, Blotters, Post Cards, Pencils, etc.	Newspaper Cuts, Mats or Engraved Blocks for use in retailer's advertising.
TTB Regulation	Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry member may not directly or indirectly pay or credit the retailer for using materials.	May be given or sold by and industry member to a retailer selling its products.
Alaska	Not regulated.	Not regulated.
Arizona	Permitted - producer/wholesaler may furnish directly to retail customer, but nothing may be left with the retailer. Unlimited number of unit items permitted, not to exceed \$5.00 ea. \$100.00 maximum per each 6 AM to 1AM, per establishment.	Permitted - must conform with TTB regulations.
Arkansas	Permitted - must conform with TTB regulations. No real or secondary item of value.	Permitted - must conform with TTB regulations. Must be made available to all retailers.
California	Permitted - subject to monetary limits: \$0.25 for beer; \$1.00 for wine; and \$5.00 for distilled spirits. Beer manufacturers may give consumer advertising specialties whose original cost does not exceed \$3.00 per unit.	Permitted
Colorado	Permitted - retailer names may not be listed.	Permitted - supplier cannot pay for advertising of retailer.
Connecticut	Permitted - aggregate cost shall not exceed \$500 per distributor of such items per retail outlets per calendar year. Wine lists may be distributed without cost limitation.	No cooperative advertising permitted.
Delaware	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
District of Columbia	Permitted - must conform with ABRA rules and regulations.	Permitted
Florida	Permitted - must conform with TTB regulations.	Must be made available to all vendors without conditions.
Georgia	Permitted - may be given to COP dealers, beer & wine retailers for unconditional distribution to public. May not contain advertising for the licensee.	Prohibited
HI - Hawaii County	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
HI - Honolulu County	Permitted - must conform with TTB Regulations.	Permitted - must conform with TTB Regulations.
HI - Kauai County		
Illinois	Permitted - may be given to ultimate consumer by manufacturer or distributor representatives.	Permitted - must conform with TTB regulations. Must be made available to retailers.

Merchandising Trade Practices (Sheet 2 of 3)

Consumer Advertising Specialties, Newspaper Cuts

License Jurisdictions

Jurisdiction	Consumer advertising specialties	Newspaper cuts
Examples	Ash Trays, Bottle or Can Openers, Cork Screws, Shipping Bags, Matches, Printed Recipes, Pamphlets, Cards, Leaflets, Blotters, Post Cards, Pencils, etc.	Newspaper Cuts, Mats or Engraved Blocks for use in retailer's advertising.
TTB Regulation	<i>Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry member may not directly or indirectly pay or credit the retailer for using materials.</i>	<i>May be given or sold by and industry member to a retailer selling its products.</i>
Indiana	Permitted	Permitted
Kansas	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
Kentucky	Permitted - must conform with TTB regulations. No DBA.	Prohibited - must conform with TTB regulations.
Louisiana	Permitted - may be provided by industry at no charge up to a value of \$50/retailer items in excess of \$50/retailer must be sold at cost.	Prohibited - considered something of value.
Maryland	Permitted	Permitted
Massachusetts	Subject to compliance with federal law and Mass. Liquor Control Act and ABCC Regulations (204 CMR).	
Minnesota	Permitted - must conform with TTB regulations.	Prohibited
Missouri	Permitted - No limit as of 8/28/07.	Permitted - must conform with TTB regulations.
Nebraska	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
Nevada	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
New Jersey	Permitted. Must not be conditioned upon present or future purchases of alcohol. Must be offered with no discrimination to licensees. N.J.A.C. 13:2-24.10	Permitted but very restricted. Must not be conditioned upon present or future purchases of alcohol. Must be offered with no discrimination to licensees. N.J.A.C. 13:2-24.10
New Mexico	Permitted	Permitted
New York	Permitted - except that retail off-premises liquor or wine licensees are limited to recipe books and matchbooks that cannot contain the name or address of the retail licensee.	Permitted - must conform with TTB regulations.
North Dakota	A manufacturer/wholesaler may not have any financial interest in any retail alcoholic beverage establishment and may give a retailer misc. material not to exceed \$100 per year.	Permitted - must conform with TTB regulations. Wholesaler may furnish misc. materials to retail not to exceed \$100 per year.
Oklahoma	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.

Merchandising Trade Practices (Sheet 3 of 3)

Consumer Advertising Specialties, Newspaper Cuts

License Jurisdictions

Jurisdiction	Consumer advertising specialties	Newspaper cuts
Examples	Ash Trays, Bottle or Can Openers, Cork Screws, Shipping Bags, Matches, Printed Recipes, Pamphlets, Cards, Leaflets, Blotters, Post Cards, Pencils, etc.	Newspaper Cuts, Mats or Engraved Blocks for use in retailer's advertising.
TTB Regulation	Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry member may not directly or indirectly pay or credit the retailer for using materials.	May be given or sold by and industry member to a retailer selling its products.
Rhode Island	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
South Carolina	See Retail Merchandising Specialties.	Prohibited
South Dakota	Permitted - no advertising piece having utility value may be given or sold to retail licensee. Value not more than \$100.	Prohibited
Tennessee	Printed material only.	Permitted with restrictions.
Texas	Permitted	Prohibited
Wisconsin	Miscellaneous advertising matter must be sold at fair market value to beer, retail on-sale, retail off-sale may be given or sold.	For beer on-sale - may not furnish advertising to Class "B" licensee in conflict with tied-house provisions. Permitted - for beer off-sale. For spirits - must conform with TTB regulations.

Merchandising Trade Practices (Sheet 1 of 2)

Retail Merchandising Specialties and Wine Lists

Control Jurisdictions		
Jurisdiction	Retail merchandising specialties	Wine lists
Examples	Trays, Coasters, Menu Cards, Paper Napkins, Foam Scrapers, Back Bar Mats, Thermometers, Clocks, Calendars, Mats, etc.	Printed lists itemizing wines for sale which are made available to restaurant and bar patrons.
TTB Regulation	Now called point of sale advertising materials. Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry Member May not directly or indirectly pay or credit the retailer for using materials.	An industry member may furnish, give, rent, loan or sell wine lists or wine menus to retailers.
Alabama	May have no additional value except as advertisement. If there is additional value, the cost must be recouped.	Wine list may be purchased by retailers at no less than fair market value.
Idaho	May be placed in state stores and retail bars, conforming with federal regulations. Placement within licensed on and off premise establishments may be subject to Alcohol Beverage Control regulations or codes.	Prohibited
Iowa	Permitted - conforming with federal regulations.	Permitted - conforming with federal regulations.
Maine	Permitted - value not to exceed \$300 per year per establishment.	Permitted, value not to exceed \$300 per year per establishment.
MD - Montgomery County	Permitted - value not to exceed \$50 for beer and \$150 spirits and wine. Display items must be approved for use in the state by Comptrollers Office, Alcohol Tax Division.	May be purchased by retailer.
Michigan	Prohibited	Permitted only with suppliers' products; cannot have licensee's name on it.
Mississippi	Must conform with TTB.	Permitted
Montana	Permitted: conforming with federal regulations. Beer - cannot exceed \$300 per brewery calendar year per retailer.	Permitted - conforming with federal regulations.
New Hampshire	Permitted dollar limits. Same as TTB.	Permitted - dollar limits. Same as TTB.
North Carolina	For wine and beer, an industry member may furnish retailer advertising specialty items not to exceed \$78 per brand per calendar year. Materials may not be customized for an individual retailer. For spirits, must conform to TTB and State regulations.	Wine menus, beer menus and beverage lists may be supplied by an industry member to a retailer provided the menu or beverage list is not printed with the retailer's food menu.
Ohio	Permitted - provided cost does not exceed \$25 per item.	Permitted - provided cost does not exceed \$3.00 per item.
Oregon	Point of sale items including coasters, napkins, etc. are allowed to retail licensees under OAR 845-013-0050.	Permit wine, beer and spirits lists as long as they are made of paper, flexible plastic or other inexpensive materials. May include generic references to food. Manufacturer/wholesaler may add retailer's name or logo.

Merchandising Trade Practices (Sheet 2 of 2)

Retail Merchandising Specialties and Wine Lists

Control Jurisdictions

Jurisdiction	Retail merchandising specialties	Wine lists
Examples	<i>Trays, Coasters, Menu Cards, Paper Napkins, Foam Scrapers, Back Bar Mats, Thermometers, Clocks, Calendars, Mats, etc.</i>	<i>Printed lists itemizing wines for sale which are made available to restaurant and bar patrons.</i>
TTB Regulation	Now called point of sale advertising materials. Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry Member May not directly or indirectly pay or credit the retailer for using materials.	An industry member may furnish, give, rent, loan or sell wine lists or wine menus to retailers.
Pennsylvania	Novelty items bearing advertising matter such as matches, disposable lighters, bottle or can openers, tee shirts, caps, corkscrews, pens and pamphlets may be distributed with or without proof of purchase by any class of licensee to trade (licensee) or consumer buyers. Advertising novelty items are limited to a wholesale cost of \$15 or less each. It is prohibited for any licensee to provide equipment or fixtures to other classes of licensees. Therefore, advertising novelties which may be construed as equipment should not be distributed to trade buyers. See 40 Pa. Code § 13.52.	Permitted. See 40 Pa. Code § 13.52(c).
Utah	Permitted	Permitted
Vermont	Permitted - with prior approval.	Permitted
Virginia	Restricted. Only wine/beer cut case cards, wine table tents, clip-ons permitted. Coasters, mats and napkins may be provided if they contain a responsible drinking message, or refer to brand of non-alcoholic wine or beer.	Prohibited. Wine table tents and wine clip-ons permitted; not full-blown wine list on menu (4-brand limit).
Washington		
West Virginia	Permitted up to a nominal value, otherwise must be purchased at fair market price.	Permitted up to a nominal value, otherwise must be purchased at fair market price.
Wyoming	Permitted	Permitted

Merchandising Trade Practices (Sheet 1 of 3)

Retail Merchandising Specialties and Wine Lists

License Jurisdictions		
Jurisdiction	Retail merchandising specialties	Wine lists
Examples	<i>Trays, Coasters, Menu Cards, Paper Napkins, Foam Scrapers, Back Bar Mats, Thermometers, Clocks, Calendars, Mats, etc.</i>	<i>Printed lists itemizing wines for sale which are made available to restaurant and bar patrons.</i>
TTB Regulation	<i>Now called 'point of sale advertising materials.' Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry Member May not directly or indirectly pay or credit the retailer for using materials.</i>	<i>An Industry member may furnish, give, rent, loan or sell wine lists or wine menus to retailers.</i>
Alaska	Not regulated	Not regulated
Arizona	<p>Permitted - signs may not exceed \$400 in value; promotional items may not exceed \$500 per calendar year; must conform with TTB regs.</p> <p>It is unlawful for a producer, importer, wholesaler to furnish, give, rent, lend, or sell to a retail licensee, articles of primary utilitarian value including, but not limited to, the following: clocks, service lamps, ash trays, coasters, napkins, beer mats, book matches, menu cards, folders, meal checks, container mats, back bar mats, thermometers, jiggers, stirring spoons, pouring spoons, glasses, glassware, or any other item potentially useful to the retailer in the conduct of his or her business except as provided elsewhere in these rules. R19-1-266(A)</p> <p>The following practices are not unlawful: stocking a limited supply of spirituous liquors in what is commonly known as "cold box," rotating spirituous liquors, furnishing advertising novelties of nominal value, such as key chains, sports schedules, recreation guides, cocktail specialty books, or other items which are not directly utilized in the operation of a retail licensee's business by the wholesaler to the retailer, furnishing on sale retail licensees with equipment necessary to operate a draft box and servicing and repairing those items of equipment to retain the quality of the product.</p>	Permitted - wine/drink menus may be furnished.
Arkansas	Permitted - specialty cannot be an item of real or secondary value. See Arkansas ABC Reg. 2.28(4) as amended.	Permitted - must conform with TTB regulations. Retailer controls names of wines placed on list.
California	Permitted - for liquor and wine. Item not to exceed a total value of \$50 per brand, per year, per retail premises.	Permitted - shall not exceed \$25/unit original cost to supplier.
Colorado	Permitted limited to napkins, coasters, menus, placemats, calendars, trays, lamps, mirrors, clocks, bottle/can openers that primarily advertise the supplier or its products, & others as approved by Director.	Permitted
Connecticut	Permitted - must conform with TTB regulations. Must not exceed \$500 per brand.	Permitted - must conform with TTB regulations.
Delaware	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.

Merchandising Trade Practices (Sheet 2 of 3)

Retail Merchandising Specialties and Wine Lists

License Jurisdictions

Jurisdiction	Retail merchandising specialties	Wine lists
Examples	<i>Trays, Coasters, Menu Cards, Paper Napkins, Foam Scrapers, Back Bar Mats, Thermometers, Clocks, Calendars, Mats, etc.</i>	<i>Printed lists itemizing wines for sale which are made available to restaurant and bar patrons.</i>
TTB Regulation	<i>Now called point of sale advertising materials. Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry Member May not directly or indirectly pay or credit the retailer for using materials.</i>	<i>An Industry member may furnish, give, rent, loan or sell wine lists or wine menus to retailers.</i>
District of Columbia	Permitted - must conform with ABRA rules and regulations.	Permitted
Florida	Permitted - must conform with TTB regulations.	Permitted
Georgia	Unless generic POS, retailer must purchase for at least fair market value.	Permitted - with certain restrictions.
HI - Hawaii County	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations
HI - Honolulu County	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations
HI - Kauai County	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations
Illinois	Not permitted. Coasters, trays, napkins, glassware and cups must be purchased.	Permitted - Printed lists itemizing wine for sale are permanent inside signs - aggregate value may not exceed \$2,316 per manufacturer in use at one time.
Indiana	Permitted	Permitted
Kansas	Permitted - limited to ash trays, bottle or can openers, cork screws, matches, post cards, posters, printed sports schedules, pens, pencils, etc. Approved by the Director.	Permitted - must conform with TTB regulations.
Kentucky	No advertising novelties.	Permitted - no DBA on wine lists, etc.
Louisiana	Utility items such as ashtrays, coasters, menu covers, paper napkins may only be provided if sold by the industry members at a price not less than suppliers cost.	Permitted - if sold by the industry member at a price not less than supplier's cost.
Maryland	Permitted - items must be general in nature and not identify retailer or premises.	Permitted - must not exceed the sum of \$150. Considered POS advertising material.
Massachusetts	Subject to compliance with Federal law and Mass. Liquor Control Act and ABCC Regulations (204 CMR).	Permitted
Minnesota	Permitted - except for meal checks, thermometers and clocks.	Prohibited
Missouri	Permitted - called Temporary Point of Sale and is not limited pursuant to legislation that took affect 8/28/07.	Permitted - Consumer advertising specialty items are not limited pursuant to legislation that took effect 8/28/07.
Nebraska	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.

Merchandising Trade Practices (Sheet 3 of 3)

Retail Merchandising Specialties and Wine Lists

License Jurisdictions

Jurisdiction	Retail merchandising specialties	Wine lists
Examples	<i>Trogs, Coasters, Menu Cards, Paper Napkins, Foam Scrapers, Back Bar Mats, Thermometers, Clocks, Calendars, Mats, etc.</i>	<i>Printed lists itemizing wines for sale which are made available to restaurant and bar patrons.</i>
TTB Regulation	<i>Now called point of sale advertising materials. Must bear conspicuous and substantial advertising matter about the product or industry member which is permanently inscribed or securely affixed. Industry Member May not directly or indirectly pay or credit the retailer for using materials.</i>	<i>An industry member may furnish, give, rent, loan or sell wine lists or wine menus to retailers.</i>
Nevada	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
New Jersey	Permitted. Must not be conditioned upon present or future purchases of alcohol. Must be offered with no discrimination to licensees. N.J.A.C. 13:2-24.1-2, 24.5, 24.10 and 24.12	Permitted. Must not be conditioned upon present or future purchases of alcohol. Must be offered with no discrimination to licensees. N.J.A.C. 13:2-24.1-2, 24.5, 24.10 and 24.12
New Mexico	Permitted	Permitted
New York	Permitted - may not exceed \$100 per brand.	Wine lists may be furnished to retail on-premises licensees. The wine list may contain the name of the retail licensee.
North Dakota	Wholesaler may furnish miscellaneous materials to retailers not to exceed \$100/year.	Wholesaler may furnish miscellaneous materials to retailers not to exceed \$100/year.
Oklahoma	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
Rhode Island	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
South Carolina	Permitted - must conform with TTB regulations.	Permitted - must conform with TTB regulations.
South Dakota	Permitted - not to exceed \$100 for store window displays. Does not apply to wholesalers of malt beverages.	Permitted - the aggregate value of all lists and menus supplied may not exceed \$150 per year.
Tennessee	Permitted - must conform with TTB & TABC regulations.	Permitted - must conform with TTB & TABC regulations.
Texas	Similar to TTB regulations for spirits with a \$101 maximum. Beer products - utilitarian items such as glasses, pitchers, etc. Can only be sold to retailers.	Permitted
Wisconsin	Beer retail on-sale must sell at fair market value; retail off-sale may be given or sold. Spirits must conform with TTB regulations.	Permitted - must conform with TTB regulations.